Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear how much polyamide is encompassed by claim 10 in that addition of polyamide compositions having for instance 99% polyamide to more polyamide would Claim 10 resulting in compositions with more than 99% polyamide such as is not encompassed by claim 1, a contradiction and therefore unclear.

Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 encompasses compositions with more than 99% polyamide when compositions with 99% polyamide are added to more polyamide such as is not encompassed by claim 1.

Claims 1, 2 , 4-11, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuji et al. (WO 200281561) optionally in view of Bayard et al. (US 5,686,534).

It is noted that the above patent corresponds to US 2004/0106732 and since this publication is in English it will be referred to.

Tsuji discloses a composition produced by compounding a thermoplastic and an acrylate/methacrylate block copolymer (Abstract) such as methacrylate-acrylate

methacrylate triblock (paragraph 154 et seq) in which the thermoplastic may include polyamide in applicants amounts (paragraph 94). Butadiene may be copolymerized with the methacrylate monomer at paragraph 85 and rubber may be added in paragraphs 213-214. Tsuji at paragraph discloses that the methacrylic ester monomer blocks should have high glass transition temperatures at paragraph 83.

While no actual examples of applicants composition are present in the document, to arrive at applicants composition by selecting from the various disclosures of the reference would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention in the expectation of adequate results absent any showing of surprising or unexpected results. With regard Tsujis' syndiotactic level this would reasonably appear to be within the metes and bounds of the claims as those of ordinary skill in the art would assume givent that Wang, newly cited by applicants disclose that even free radically polymerized methylmethacrylate has applicants' level of syndiotacticty but arguably the examiner may be incorrect.

.

Tsuji is silent with regard to the microstructure of the methylmethacrylate blocks and does not specifically disclose that they are syndiotactic.

Bayard et al. (US 5,686,534) discloses that syndiotactic PMMA (including block copolymers containing blocks of syndiotactic PMMA) have high heat resistance and higher glass transition temperature than non syndiotactic PMMA at column 2, lines 12-31.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to produce the PMMA blocks of the primary reference in syndiotactic form in the expectation of increasing the glass transition temperature, and since increased glass transition temperature is a result desired by the primary reference absent any showing of surprising or unexpected results.

With regard to the rejection under 35 USC 112, first paragraph, this has been withdrawn in view of the teachings of the prior art disclosing the production or butadiene methyl methacrylate block copolymers with applicants level of syndiotacticity (see especially Vuillemin et al. in patent claim 20).Ruzette et al. was not formerly rejected over claim 3 and is therefore hereby withdrawn in view of applicants amendment incorporating claim 3 into claim 1. On further consideration, the limitations of former claim 3 were also not taught or suggested by Kakeda.

With regard to applicants after FINAL remarks, Tsuji is no longer necessarily solely relied upon in any rejection under 35 USC 103. While it may be possible that use of 60 thermoplastics are disclosed by Tsuji, there are only 9 preferred thermoplastics of which polyamide is one.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis at telephone number 571 272 1075.

Jeffrey C. Mullis
Primary Examiner
Art Unit 1796

JCM

6-1-2008

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796